

### **III. REMARKS**

#### **Claim Status**

Claims 1-42 are currently pending in the instant application. Claims 1, 2, 4-7 and 23 are rejected; claims 3, 8-10 and 24-28 are objected to. Claims 8 and 27 are withdrawn.

Claims 1, 4, 6, 7, 9, 11-13, and 15-17 have been amended. Claims 29-42 are new. Previously withdrawn claims are represented and amended: claims 11-13, 15-17 or cancelled: claims 14 and 18-22.

Claims directed to the compounds are claims 1-7, 9-10 and 23-28. As it is believed these claims are now allowable in their amended form, claims directed to the method of preparing such compounds, claim 12, methods of using such compounds, claims 13, 15-17 and 29-35, and pharmaceutical preparations of such compounds, claims 12 and 37-42 are now deemed appropriate for rejoinder.

Applicant respectfully would highlight to the examiner that claim 42, a medicament claim, does not contain the newly inserted proviso of claim 1 as the reference cited against the compound itself, Otani et al., does not disclose the pharmacological efficacy of the compound or its combination with excipients to form a medicament.

#### **Claim Rejections - 35 USC S 102(a)**

Claims 1, 2, 4-7 and 23 stand rejected over Otani et al., "An Evaluation of Amide Group Planarity in 7-

Azabicyclo[2.2.1]heptane Amides. Low Amind Bond Rotation Barrier in Solution," J. Am. Chem. Soc., Vol. 125(49) pp. 15191-15199 (2003). Otani et al. disclose a substituted azetidine compound of formula of claim 1 where  $R^2$  is  $C_{1-3}$  alkoxy and  $R^1$ ,  $R^3$ ,  $R^4$ ,  $R^5$  and  $R^6$  are hydrogen.

Applicants have amended claim 1 to require that if  $R^2$  is alkoxy, at least one of  $R^1$ ,  $R^3$ ,  $R^4$ ,  $R^5$  and  $R^6$  does not represent a hydrogen atom, thus excluding the reference compound.

Applicants believe this amendment obviates the basis for this rejection of the claims and respectfully requests reconsideration.

#### **Claim Objections**

Claims 1, 4, 6-10 and 23-28 stand objected to as being drawn to non-elected subject matter and claims 2, 3, 24 and 25 stand objected to as being dependent upon a rejected base claim.

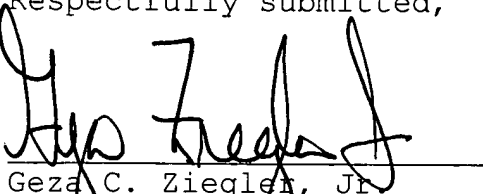
Applicant has amended claim 1 to remove the non-elected subject matter, thus obviating this rejection with regard to claim 1 and claims dependent thereupon.

#### **Rejoinder**

Applicant believes the composition claims are now allowable and that it is timely to rejoin the medicament claims and method of use claims relating to the allowable composition claims and containing all the limitations set forth in the composition claims.

A check in the amount of \$600 is enclosed for the additional claims fee. (1 new independent claim X \$200 and 8 new dependent claims X \$50). The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Reg. No. 44,004

22 May 2006  
Date

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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